

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

DEBORAH R. COOKE and CHRISTINA M.
RODINO,

11 Civ. 0201 (AKH) (RLE)

Plaintiffs,

-against-

DB 85 GYM CORP. d/b/a DAVID BARTON GYM,
CV II GYM, LLC d/b/a DAVID BARTON GYM,
CV VI, LLC d/b/a DAVID BARTON GYM, DB
BROADWAY GYM CORP. d/b/a DAVID
BARTON GYM, KEVIN KAVANAUGH, and
CARL HELMLE, III,

Affidavit of Service

Defendants.

-----X

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

ANTONINO SCOTT, being duly sworn, deposes and says: I am not a party to this action, I am over 18 years of age and reside in Brooklyn, New York.

On the 13th day of January 2011, at 3:30 p.m., the deponent served the within **Summons and Complaint** at 50 West 23rd Street, 5th Floor, New York, New York on Carl Helmle, III the Defendant therein named by delivering and leaving true copies of the aforementioned documents with Carl Helmle, III said Defendant personally.

The person served is described as follows:


Gender:	Male
Skin color:	White
Height:	5"7"
Approximate age:	45
Weight:	165 pounds
Hair color:	Blond/Gray
Other:	Beard

At the time of service, as aforesaid, I asked the Defendant whether he was in the military service of the United States Government, or of the State of new York, and received a negative reply. Upon information and belief based on the conversation and observation as

aforesaid I aver that Defendant is not in the military service, and is not dependant on anyone in the military service of the United States Government or the State of New York, as that term is defined in the statutes of the United States Government of the State of New York, as that term is described in the statutes of the State of New York, or the Federal Soldiers and Sailors Civilian Relief Act.


ANTONINO SCOTT

Sworn to before me this
17th day of January 2011


Notary Public

